



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

December 5, 2013

TO: Mitch Glaser, Hearing Officer

FROM: Rudy Silvas *RS*
Principal Regional Planning Assistant
Zoning Permits West

SUBJECT: Project Number R2009-01295-(3)
Oak Tree Permit No. 201000012
Environmental Assessment No. 201000020
HO Meeting: December 17, 2013
Agenda Item: 2

Request for a single one-year time extension, in accordance with condition number seven of the Oak Tree Permit (OTP), to allow use of the OTP from October 20, 2013, to October 20, 2014. A Mitigated Negative Declaration and mitigation monitoring and reporting program were adopted for the project.

A copy of the written request for the extension from the applicant is attached, along with the original conditions of approval. Should you have any questions on this project please feel free to contact me at (213) 974-6462.

MKK:RS

MARNY RANDALL
909 Euclid Street, #6/Santa Monica, California 90403/Phone: 310-395-2615/Fax: 310-395-2368
Mobile: 310-386-5521/E-mail: marnyrandall@verizon.net

September 25, 2013

Los Angeles County Dept. of Regional Planning
Zoning Permits III Section
320 W. Temple Street, 13th Floor
Los Angeles, California 90012

RE: PROJECT NUMBER R2009-01295-(3)/OAK TREE PERMIT NUMBER 201000020

To Whom It May Concern,

The property owners wish to extend the above referenced Oak Tree Permit for the allowable one-year period.

This request is based upon financial and construction organizational issues determined by certain very limiting seasonal prohibitions on the construction activities.

Please notify me if there are any questions regarding this Oak Tree Permit Extension Request, or if you require any further information or project materials from me.

Thank you for your time.

Sincerely yours,



Marny Randall

Authorized Owner's Representative for Fiona Mason, Managing Partner, April Ranch, LLC

Cc: Via e-mail: Fiona Mason

PROJECT DESCRIPTION

This grant authorizes the removal of four oak tree, identified as Oak Tree Numbers 5 (Heritage Tree), 19, 20 and 21 on the approved site plan, the encroachment into the protected zone of fifty-one oak trees, identified as Oak Tree Numbers 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 45, 46, 49, 50, 52, 53, 54, 55, 59, 60, 61, 87, 90, 91, and 92 on the approved site plan, and the pruning of limbs greater than two inches in diameter of an additional five oak trees, identified as Oak Tree Numbers 33, 34, 52, 54, and 55 on the approved site plan. The activities authorized under this grant will take place within an existing easement for ingress, egress, utility, drainage, slopes and other road purposes (Instrument No. 01 021116) located on property owned by the California State Parks Department in order to widen the access road to the Permittee's property to comply with County Fire Department requirements and to allow for the placement of Southern California Edison conduit underneath a portion of the access road. This grant and the activities authorized hereunder are subject to the following conditions:

GENERAL CONDITIONS

1. This permit shall not be effective until an Exhibit A is approved for the proposed road widening, culvert, foot bridge and Southern California Edison Conduit emplacements, and a plot plan (Plot Plan No. 201100223) is approved for the construction of the proposed single family residence, guest house, swimming pool, and other related accessory structure(s), along with all grading shown, requiring the need to remove/encroach upon the said trees.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, the grantee of the easement referenced above and any successors or assigns thereto, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee has filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Department") an affidavit stating that the permittee is aware of and agrees to accept all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 8 and 16, and the provisions of the County Forester and Fire Warden, Forestry Division ("Forester") letter dated September 9, 2010, and attached hereto. Notwithstanding the foregoing this Condition No. 3, and Condition Nos. 5, 6, 7, and 16 shall be effective immediately upon final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" as used in this grant shall mean the date the County's action becomes effective pursuant to Section 22.80.260 of the County Code.
5. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

6. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to Los Angeles County Code Section 2.170.010.

7. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
8. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. **The permittee shall deposit with the County of Los Angeles the sum of \$200.00.** The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for one (1) inspection. If additional Department of Regional Planning inspections are deemed necessary, required supplementary funds (at \$200 per inspection, or the current recovery cost in effect at the time any additional inspections are required.) shall be deposited with the Department of Regional Planning. Inspections shall be unannounced and may be coordinated with the County Forester.
9. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
12. The permittee shall comply with all conditions and requirements contained in the County Forester letter dated September 9, 2010 (attached hereto and incorporated herein by this reference). The permittee shall comply with all mitigation measures identified in the adopted Mitigation Monitoring Program ("MMP"), including but not limited to the measures set forth in the Oak Mitigation Plan, which is attached hereto and incorporated herein by this reference. Compliance with the Forester's letter and the MMP shall be to the satisfaction of said County Forestry Division, the Department, and State Parks, except as otherwise required by said County Forestry Division, the Department, or State Parks. These measures include, but are not limited to, the following:
 - a. The permittee shall provide mitigation trees of the Oak genus at a rate of ten to one (10:1) for the Heritage Oak removal, and five to one (5:1) for each of the three additional Oak trees removed for a total of twenty-five (25) trees; per the Forester's letter dated September 24, 2010 for the Heritage Oak removal, and the approved Oak Mitigation Plan per the project's adopted MMP(measure no. 5(F)).
13. The permittee shall plant one acorn of the *Quercus agrifolia* variety for each mitigation tree planted. The acorns shall be planted at the same time as, and within the watering zone of, each mitigation tree.
14. All replacement trees shall be planted on native undisturbed soil, two fifteen gallon sized oak trees shall be planted for each oak to be removed. The remainder of replacement trees beyond the required two fifteen gallon trees shall be tube trees. This is to be reflected in the Oak Tree Mitigation Plan under Measure No. 5 (F) of the adopted MMP. The first two irrigations or watering of planted trees shall incorporate the addition of a mycorrhizae product (i.e. "mycorrhizaROOTS" or similar product) in accordance with the label's directions. A layer of humus and litter from beneath the canopy of the removed tree shall also be applied to the area beneath the canopies of the replacement trees to further promote the establishment of mycorrhizae within their rooting trees.
15. At the request of the California Department of Parks and Recreation ("State Parks"), the permittee shall consult and work with the division of State Parks for trail planning at such time as State Parks undertakes planning for future trail(s) in and around the project area, which may or may not include trails proposed for the subject property.
16. Within three days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$2,119.00 (\$2,044.00 for a Mitigated Negative Declaration plus \$75.00

processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.

17. The permittee shall deposit an initial sum of \$6,000 with the Department within 60 days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the reports required by the MMP and compliance with the mitigation measures contained in the MMP. The permittee shall replenish the mitigation monitoring account as necessary until all mitigation measures have been implemented and completed.

Attachment: County Forester's Letter dated September 9, 2010; and Mitigation Monitoring Program dated July 7, 2011.